

REMARKS FOR EXAMINER INTERVIEW

Claim 29 is the sole pending claim.

Claim 29 was rejected as being obvious over Rodriguez et al. (U.S. PGPub 2004/0133907) ("Rodriguez") in view of Standard (U.S. Patent 6,848,219).

Claim 29 is directed to a system for playing a motion picture to a plurality of patrons in a theater within a complex of theaters.

One of the problems with attracting patrons to movie theaters is that patrons must conform their schedule to the published start times for the movies. Unexpected delays can cause the Patrons to miss the beginning of the movies, possibly leading to them not going at all. Patrons must also leave for the theaters a sufficient amount of time before scheduled start times to insure that the patrons arrive on time. When the traffic is unexpectedly light, this may result in the patrons having to wait a long time for the movie to begin. When the traffic is unexpectedly heavy, the patrons may miss the beginning of the movies.

The invention of claim 29 overcomes these problems. An input system receives information indicative of the arrival of each patron at the theatre. A timing system determines when a predetermined time period has elapsed after the arrival of the first patron at the theater. A processing system causes the projector to begin projecting the motion picture at the earlier of the following times:

- When the timing system indicates that the pre-determined time period after the first patron arrives at the theater has elapsed, or
- When the input system indicates that a pre-determined number of the patrons have arrived at the theater.

Rodriguez allows a subscriber to select a video-on-demand. Rodriguez provides a schedule for each movie and requires the subscriber to pick which start time is of interest. Rodriguez also plays the same movie on different channels at different

schedules. The start times and number of channels for each movie are adjusted based on demand.

These approaches in Rodriguez are no different that what was traditionally done in movie theaters prior to the invention. Movies were also played in accordance with a schedule and in multiple theaters simultaneously. These schedules and the number of theaters were also adjusted based on demand.

Neither Rodriguez nor what was done before the subject invention in movie theaters, however, cured the problems that are cured by the subject invention. Neither eliminates the need for patrons to conform their schedule to published start times for the movies, nor the problems which can arise if patrons are unexpectedly delayed. For the traditional movie theater, moreover, patrons must sometimes wait a long time or miss the beginning of the movie if traffic conditions turn out to be significantly different from what was predicted.

Not surprisingly, therefore, Rodriguez is missing key elements of claim 29.

First, Rodriguez does not initiate the playing of a movie a predetermined time period after the request for the movie by the first patron, as analogously required by claim 29. (Claim 29 requires the movie to be played a predetermined time period after the first patron arrives at the theater.) Rodriguez merely starts the movie in accordance with scheduled start times. Although Rodriguez does make adjustments to these start times based on demand, adjusting start times based on demand is plainly different than starting a movie a predetermined time period after the request for the movie by the first patron.

Second, Rodriguez does not begin playing the movie when a pre-determined number of patrons have requested the movie, if this time is earlier than a predetermined time period after the arrival of the first of the patrons, as also analogously required by claim 29. (Claim 29 requires the movie to be played when a predetermined number of patrons have arrived at the theatre.) Indeed, a single stream from the video-on-demand system in Rodriguez can be viewed by nearly an infinite number of subscribers. The

limited seating capacity of a movie theatre is not a concern. Thus, there is not even a motivation in Rodriguez to adjust start times based on theatre capacity, as there is in the invention of claim 29.

Standard does not make up for any of these substantial deficiencies in Rodriguez, nor does the office action set forth any reason as to why these substantial differences were merely obvious differences. A *prima facie* case of obviousness has therefore not been established.


CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper or any other paper or matter in this application, including extension of time fees, to Deposit Account 501946, and please credit any excess fees to such deposit account.

Respectfully submitted,

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